

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEW MEXICO

3 ANTONIO GALLEGOS, KRISTIAN PETTINE,  
4 ANDRE GALLEGOS, and K.L.P.L., a  
5 minor child,

6 Plaintiffs,

7 vs.

No. 1:12-CV-224-LH/KBM

8 CITY OF ESPAÑOLA, a municipal corporation,  
9 JOE MARTINEZ, individually and in his official capacity;  
10 JEREMY APODACA, individually and in his official  
11 capacity; ROBERT VIGIL, individually and in his official  
12 capacity; CITY OF ESPAÑOLA OFFICERS and SUPERVISORS JOHN  
13 DOES 1 through, individually and in their official  
14 capacities,

15 Defendants.

16 DEPOSITION OF KRISTIAN PETTINE

17 Friday, June 21, 2013

18 1:10 p.m.

19 Cumbre Court Reporting, Inc.

20 2019 Galisteo Street

21 Santa Fe, New Mexico 87505

22 PURSUANT TO THE NEW MEXICO RULES OF CIVIL  
23 PROCEDURE, this Deposition was:

24 TAKEN BY: MARK A. BASHAM  
25 ATTORNEY FOR THE DEFENDANTS

REPORTED BY: ALLISON ASH-HOYMAN  
NEW MEXICO CCR #18  
CUMBRE COURT REPORTING, INC.  
2019 Galisteo, Suite A-1  
Santa Fe, New Mexico 87505

Allison Ash-Hoyman, CCR 18

Exhibit C

1 A. Uh-huh.  
2 Q. And I guess your husband was there as well?  
3 A. Yes.  
4 Q. And of course the minor child.  
5 A. Yes.  
6 Q. If we could refer to the two-year-old as the  
7 minor child I would appreciate it.  
8 A. Can I say my baby?  
9 Q. That's fine.  
10 A. Okay.  
11 Q. So what happened next?  
12 A. When they got there, or before they got there?  
13 Q. No, when they got there.  
14 A. When they got there they asked me if I wanted  
15 a beer.  
16 Q. Okay. And your response was?  
17 A. Sure.  
18 Q. Okay. So did you have a beer?  
19 A. Yes.  
20 Q. Okay. Now was there an incident that occurred  
21 there? Did Andre -- I mean, did Estevan get along with  
22 your friends?  
23 A. No.  
24 Q. Okay. What happened?  
25 A. I heard them -- I heard Estevan say what are

1 you fucking faggots doing here?  
2 Q. Okay. When you say you heard that, where were  
3 you?  
4 A. In the hallway.  
5 Q. And where were they?  
6 A. He was walking down the hall. They were in  
7 the living room sitting down. I was in the hallway with  
8 me and my baby going to say hi to Andre. And I had to  
9 talk to Andre, and he was walking -- like we met each  
10 other in the hall. And then he asked me, what are these  
11 fucking faggots doing here.  
12 Q. Okay. Could you do me a favor. Here we have  
13 what's called the house. Could you kind of draw in the  
14 layout for me, please?  
15 A. Red pickup truck.  
16 Q. This is a photo that we have. And so we kind  
17 of based it off that.  
18 A. Oh, okay.  
19 So once you walk in the door is right here  
20 (indicating). Here (indicating) is the front door.  
21 Q. Okay.  
22 A. (Indicating) Antonio's office is a big portion  
23 here, and it's doored. There is a door. Once you walk  
24 in he has French doors closing his office.  
25 Q. Okay.

1 A. And this is Antonio's office (indicating).  
2 Well, he was sharing it with his dad at the time.  
3 Q. Okay.  
4 A. They have since changed offices.  
5 This is the kitchen. There is a big living  
6 room. And then if you go down this hallway, there is a  
7 bedroom here (indicating).  
8 Q. Okay.  
9 A. It's the master bedroom. And then there is a  
10 bathroom. There is a bathroom actually in that bedroom,  
11 also, that's where we shower.  
12 Q. Oh, so --  
13 A. And then there is a bathroom here for -- that  
14 just has a toilet and a sink for customers.  
15 Q. Okay.  
16 A. And then there is two offices here, this is  
17 Terence's office, and then this is what we call the --  
18 we were calling the computer room, because that's where  
19 the computer is.  
20 Q. Okay. And so now where were you when you  
21 heard this?  
22 A. So I'm walking down the hall and I meet  
23 Estevan at the hallway.  
24 Q. Okay.  
25 A. And he said, what are those fucking faggots

1 doing here.  
2 Q. Which way was he heading?  
3 A. He was heading this way (indicating), and I  
4 was heading this way (indicating).  
5 Q. So had he already met them at that point in  
6 time, I guess, obviously?  
7 A. He has only met at this point, prior to this  
8 incident he has met Alfonzo Gurule.  
9 Q. Okay. And so you heard him say that.  
10 Did you hear anything else?  
11 A. No.  
12 Q. Okay. Then what happened?  
13 A. I said watch your language with my baby. Be  
14 nice. And I walk down here and -- oh, wait. Walk down  
15 here, and then Andre and me were in the computer room  
16 talking and he was getting his backpack. We were just  
17 chit-chatting.  
18 Q. Okay.  
19 A. And my daughter was playing like on the  
20 computer, little games.  
21 Q. Okay.  
22 A. And we were about ready to shower. I had  
23 taken off her pajamas and we were getting ready to  
24 shower, and I just wanted to say like my hellos and  
25 stuff to Andre.

1 Q. So you were in the computer room. Is there a  
2 bathtub in the computer room?  
3 A. No.  
4 Q. Okay.  
5 A. The bathtub is in this bedroom (indicating).  
6 Q. Okay. I was just --  
7 A. But I -- I said where is Andre, and he said  
8 oh, he is back there. I said oh, okay. I went back  
9 there.  
10 Q. Okay. And that, for the record, is the  
11 computer room.  
12 A. That's what we were calling it, yes. But it's  
13 now changed to his dad's office.  
14 Q. But that's what you have labeled on this  
15 diagram?  
16 A. Yes. What it was at that time.  
17 MR. BASHAM: Let's mark as Exhibit 3 --  
18 MR. THOMPkins: I thought you were doing  
19 letters.  
20 MR. BASHAM: Was I doing letters?  
21 Exhibit C.  
22 (Marked Deposition Exhibit C.)  
23 THE WITNESS: I should have drawn it better.  
24 It looks crappy, but --  
25 BY MR. BASHAM:

1 Q. Okay. So you were visiting with Andre, he was  
2 packing a backpack, and you were getting ready --  
3 A. To take a bath --  
4 Q. -- to take a bath?  
5 A. -- with my daughter in this room (indicating).  
6 We were taking a bath in this room.  
7 Q. And then what happened next?  
8 A. What happened next was yelling.  
9 Q. Okay. Where did you hear the yelling come  
10 from?  
11 A. I heard the yelling come from the living room.  
12 Q. Okay. Did you hear anything specific?  
13 A. Screaming.  
14 Q. Actual screaming?  
15 A. Screaming.  
16 Q. Like in fear or screaming words?  
17 A. Screaming fear. Like I can't -- I can't say  
18 fear, just screaming.  
19 Q. Okay.  
20 A. I don't know.  
21 Q. So it wasn't --  
22 A. Something was happening in there.  
23 Q. Let me finish.  
24 So the screaming was not an audible word, it  
25 was a scream?

1 A. Yeah. I don't remember anything audible.  
2 Q. Okay. How much screaming did you hear?  
3 A. Not -- not many seconds of it.  
4 Q. Okay. What did you do?  
5 A. Walked out of the bedroom.  
6 Q. Okay.  
7 A. And walked into the living room to see what  
8 was going on.  
9 Q. What did you see?  
10 A. And I saw -- there was a couch here  
11 (indicating), and I saw Steven and Jason sitting on the  
12 couch.  
13 And out the front door I seen my husband on  
14 the ground getting tased. And there is three officers  
15 on the steps outside the office and he is handcuffed and  
16 they are tasing him.  
17 Q. Okay. What did you do next?  
18 A. At that point I gave my child to -- I said,  
19 have my child stay here.  
20 Q. Who did you tell that to?  
21 A. Steven and Jason. Jason was sober.  
22 Like -- and what had happened and why I went  
23 out there was because Andre opened the door and like  
24 jumped over them and was freaking out and screaming,  
25 like leave my dad alone, stop it, stop tasing my dad.

1 Like that kind of thing.  
2 Q. Okay. So --  
3 A. So then I walked out to get Andre.  
4 Q. Okay. Were the officers no longer in the  
5 doorway?  
6 A. No, they are -- they are all on the floor  
7 right here at this time. And my husband is handcuffed  
8 and they are tasing him.  
9 Q. Okay. Let the record reflect that that's  
10 right there in the area before -- is that a separate  
11 little room there?  
12 A. Oh, this is the front door, these are steps  
13 right here (indicating), and there is like a little  
14 porch, they are tasing him.  
15 You could see there is a glass door and you  
16 could see him on the floor and you could see two  
17 officers on top of him wearing black uniforms and you  
18 could see an officer, or someone I couldn't identify, in  
19 a blue uniform standing next -- standing up, and two  
20 officers laying on top of my husband and my husband  
21 handcuffed.  
22 Q. Okay. So you didn't hear any sort of  
23 conversation that existed between your husband and the  
24 officers.  
25 A. Yes, I did.



1 Q. So what happened during that span of 45  
2 minutes that Andre was sitting in the unit?

3 A. Then what happens is Jeremy Apodaca and the  
4 little boy in blue --

5 Q. Okay. No more drawing on there. Just tell  
6 me.

7 A. Jeremy Apodaca, the little boy in blue, and  
8 Robert Vigil go into the house and they tell us all we  
9 have to get out of the house and sit on the front porch.

10 Q. Okay. And then what happens?

11 A. I'm not sure.

12 Q. You are not sure of my question or what  
13 happened? What are you not sure about?

14 A. I'm not sure what happened next.

15 Q. Okay. What's the next thing you remember?

16 A. I remember Jeremy walking up to my face and  
17 yelling at me, where is Estevan? And I said I don't  
18 know. And he said, what is his phone number? I said, I  
19 don't know. And he goes, how could you not know? And I  
20 said, I don't know.

21 Q. And is it true that in fact you do not know?

22 A. No. Because I put all my contacts in my cell  
23 phone, and so I don't memorize numbers. The only  
24 numbers I have memorized are my mother's, my sister's,  
25 my daughter, Warren Beatty.

1 Q. Okay. So --

2 A. I don't remember numbers.

3 Q. Okay. So the next thing you remember during  
4 that 45 minutes was Jeremy Apodaca coming up and yelling  
5 at you, demanding --

6 A. Me and Steve are sitting on the front porch.  
7 It's me right here, Steve --

8 Q. Why don't you put an S for Steve.

9 A. (Witness complying.)

10 Q. And make yours a little P or something.

11 A. I will put me, and here is Steve. And I'm  
12 holding my baby, which I think should not have been  
13 outside during this incident.

14 There is Jason, and Fonzie, the whole time I  
15 ever saw him was here (indicating). Oh, not there, he  
16 was here (indicating) --

17 Q. And --

18 A. -- like that.

19 Q. Fonzie would be Alfonzo?

20 A. Alfonzo, yes.

21 Q. So did you ever leave this area?

22 A. Yes.

23 Q. To do what?

24 And the area I'm referring to is the front  
25 porch.

1 A. I left the area to talk to Fonzie, and I  
2 remember leaving the area to talk -- one of Antonio's  
3 workers had come up and parked on the side of the house  
4 right here in a black truck.

5 Q. Okay.

6 A. And I remember walking up and sitting on the  
7 back of his truck and telling him what was going on.  
8 And I remember going in and out of the house.

9 I remember changing my daughter, because they  
10 said she had a soiled diaper. And why was she out in  
11 her diaper. And going in and out and getting snacks for  
12 my daughter. And just going in and out of the house.

13 Q. Okay. During that 45-minute period?

14 A. And checking on my son, walking over here and  
15 checking on Andre, my stepson.

16 Q. What were the officers doing during this 45  
17 minutes?

18 A. I don't know.

19 Q. What did you see them doing?

20 A. I saw them looking -- like I saw them looking  
21 like they didn't know what to do.

22 Q. Did you hear any mention of a gun at any point  
23 in time?

24 A. Uh-huh.

25 Q. What did you hear?

1 A. Where is the gun? Jeremy Apodaca did ask me  
2 where is the gun.

3 Q. And what was your response?

4 A. What gun? I don't know.

5 Q. Okay. What else can you tell us about what  
6 occurred during that 45-minute period?

7 A. What else that occurred during that 45-minute  
8 period was I see the paramedics come up, and me knowing  
9 that I'm a nurse, figuring that it's a standard  
10 procedure that they have to check my husband after they  
11 tase him.

12 Q. You knew that at that point in time?

13 A. Yes.

14 Q. Okay.

15 A. Because I've been in the medical field long  
16 enough and have been around the block in my medical  
17 career and know.

18 And so I see the paramedics drive up, and I --  
19 I am under the impression that they are there because  
20 the police have to call them there when they tase  
21 someone, to check them.

22 Q. Let me ask you this: Did you ever figure out  
23 why the police were there?

24 A. I was later told that Andre -- I mean, that  
25 Alfonzo called the police saying that Estevan had pulled

1 a gun on him.  
2 **Q. Is Alfonzo the type that would lie?**  
3 **MR. THOMPSON:** Objection as to the form of  
4 the question.  
5 A. I don't know his character enough, well enough  
6 to say if he would or not.  
7 **BY MR. BASHAM:**  
8 **Q. He is a friend of yours; right?**  
9 A. He was actually a tenant of my sister's.  
10 **Q. And lived next to you?**  
11 A. That lived next to me.  
12 **Q. For how long a period of time?**  
13 A. A year. But I had my children and my job that  
14 I went to every day, and he worked at the cardiology  
15 department at Pres and we didn't spend every day  
16 together or anything, just like hello and that kind of  
17 thing.  
18 **Q. So why did he visit you in Espanola?**  
19 A. Because he came with my friend Steven that --  
20 that has known me since we were kids. Steven was the  
21 main person that would have visited us.  
22 **Q. And how were they going to get home?**  
23 A. Meredith, the one that went on the date to  
24 meet some guy, was supposed to pick them up.  
25 **Q. Okay.**

1 A. And why they decided to visit us, I don't  
2 know. I think she wanted moral support like oh, go with  
3 me because this person I don't know. But then like left  
4 them there and was supposed to come back for them.  
5 **Q. What's Meredith's last name?**  
6 A. Dilts.  
7 **Q. How do you spell that?**  
8 A. D-i-l-t-z [sic].  
9 **Q. And do you know her?**  
10 A. She was a tenant of Alfonzo's. I mean, she  
11 was a roommate of Alfonzo's.  
12 **Q. But you know her?**  
13 A. Yes. She is deceased, by the way.  
14 **Q. How did that happen?**  
15 A. I don't know.  
16 **Q. How old was she?**  
17 A. Very young. 20 -- in her early 20s, I  
18 believe.  
19 **Q. So were you aware that Alfonzo called 911?**  
20 A. No.  
21 **Q. When did you become aware that he called 911?**  
22 A. After being in jail and talking to him. Like  
23 maybe two or three days after. Because I stayed with my  
24 mother, because Jeremy Apodaca had my keys and my phone  
25 and everything else.

1 **Q. Okay.**  
2 A. So I couldn't -- and the office was locked, so  
3 I couldn't get my belongings. So my mother picked me up  
4 and bailed me out of jail.  
5 **Q. Okay. I'm still in the 45-minute time frame.**  
6 A. Oh, okay.  
7 No, I didn't know during the 45-minute time  
8 frame what was going on --  
9 **Q. Okay.**  
10 A. -- what is happening.  
11 **Q. Now, did you have any other conversations with**  
12 **Jeremy Apodaca?**  
13 A. No.  
14 **Q. Did he ask you about family members?**  
15 A. No.  
16 **Q. Did he ask you who the minor child's father**  
17 **was?**  
18 A. Yes.  
19 **Q. So you did have a conversation with him?**  
20 A. He asked me that question. It wasn't a  
21 conversation, it was a question.  
22 **Q. Okay. And what -- did you respond to it?**  
23 A. No. My friend Steve responded to the  
24 question.  
25 **Q. What did Steve say?**

1 A. Steve said please don't call him because he is  
2 very abusive, and then Fonzie said leave her out of  
3 this, she had nothing to do with any of this.  
4 **Q. Okay. And I want to hear about all those**  
5 **conversations.**  
6 **So what other ones were there?**  
7 A. I remember Steve saying to Jeremy Apodaca,  
8 please do not call her ex-boyfriend, he is very abusive  
9 and it would not be good if you call him.  
10 And then I remember Alfonzo saying to Jeremy  
11 Apodaca, leave her alone, leave her kid alone, she had  
12 nothing to do with this.  
13 **Q. Okay. And then what happened?**  
14 A. So then the paramedics are there, and I'm  
15 thinking they are there for --  
16 **Q. Your husband?**  
17 A. -- my husband.  
18 **Q. I heard that.**  
19 A. And Robert Vigil comes up to me and tells me  
20 to give him my child.  
21 **Q. Robert Vigil does?**  
22 A. Uh-huh.  
23 **Q. Okay. And your response?**  
24 A. I don't have a response. I'm holding my child  
25 for dear life.



1 Q. Okay.  
2 A. Like I am clinging to her.  
3 Q. And then what happened?  
4 A. He is insisting that I give my child to him.  
5 Q. What is he saying?  
6 A. He is going to mace me in the face if I don't.  
7 Q. With the child right there being held to your  
8 chest?  
9 A. My child is held tight to me.  
10 Q. Okay. Describe that for the court reporter so  
11 she can put it in the deposition.  
12 A. My daughter has her legs around me, her arms  
13 around me and I am holding her so tight and I'm crying  
14 at this point and I'm crying and I feel like I can't  
15 breathe, I feel like I'm losing my air. My heart is  
16 racing and I'm very frightened.  
17 Q. Okay. How did the officer get the child?  
18 A. He basically clawed her off of me.  
19 Q. Okay. And then what did you do?  
20 A. Cried. Was in fear.  
21 Q. And what were the other gentlemen saying at  
22 that point in time?  
23 A. I wasn't aware of anything. I was aware of my  
24 daughter at that point, I wasn't aware -- I wasn't  
25 looking around at anyone else.

1 Q. Okay. So what did Robert Vigil do once he got  
2 the baby, or the minor child?  
3 A. Put her in the ambulance.  
4 Q. And what did you do?  
5 A. Run after her.  
6 Q. And then what happened next?  
7 A. He handcuffed me.  
8 Q. And then what happened?  
9 A. He opened the left of the back of his car and  
10 threw me in there. And my legs were hanging out and he  
11 kicked me, in my legs.  
12 Q. Okay. Kind of describe for the court reporter  
13 how he kicked your legs.  
14 A. They were hanging like if he threw me in the  
15 back of the car with his might, and so my legs are  
16 hanging out like this (indicating), and then he kicked  
17 me with his boots, like with my legs, and I still have a  
18 scar here (indicating) from that.  
19 Q. Okay. So your legs are kind of hanging off  
20 your chair. And I guess --  
21 A. He didn't sit me down in the police car, he  
22 threw me in the police car.  
23 Q. Okay.  
24 A. Which is why I'm laying down in the police  
25 car, my legs are outside of the police car and I don't

1 have any shoes on, I'm still in my pajamas.  
2 Q. Okay.  
3 A. And he starts laughing, there goes your baby.  
4 Q. Robert Vigil told you that?  
5 A. Yes. Over and over and over.  
6 Q. How many times?  
7 A. Till we got to the jail.  
8 Q. Okay. Did you -- were you saying anything  
9 while you were in the unit traveling to the detention  
10 center?  
11 A. I am screaming and crying and my screaming and  
12 crying never stops. And today, up until today, I scream  
13 and cry.  
14 Q. Okay. So you go to the detention facility;  
15 correct?  
16 A. Correct.  
17 Q. A lady from CYFD contacts you; correct?  
18 A. From the telephone, the minute I get there she  
19 is on the phone.  
20 Q. Okay. And she is asking for information about  
21 who to contact for --  
22 A. She asks who my daughter's father is.  
23 Q. Okay. And what did you say?  
24 A. I said Antonio Londono.  
25 Q. Oh, you told her?

1 A. I did tell her.  
2 Q. Okay. And did you tell her how to get ahold  
3 of him?  
4 A. I told her I did not know his number because  
5 Jeremy had my phone at that point, but that he lived on  
6 Springcroft Boulevard.  
7 Q. Okay.  
8 A. Then do you want to know later what she did?  
9 Q. No, not yet. I just want to find out what you  
10 told her while at the detention center. And you have  
11 already answered that question.  
12 A. And she said I will be there shortly to see  
13 you.  
14 Q. Now isn't it true that you gave the police  
15 consent to search your vehicle?  
16 A. I don't remember.  
17 Q. So it's possible?  
18 A. Giving them -- I don't remember giving them  
19 consent to search my vehicle.  
20 Q. Is it possible that you gave them consent to  
21 search your vehicle?  
22 A. It's impossible or possible, I don't know.  
23 Q. Have you ever called 911?  
24 A. Yes.  
25 Q. Let's strike that question for right now. I